

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
CENTURY 21 REAL ESTATE CORPORATION)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 04-10785DPW
v.)	
)	
DENNEHY, BARNES, VENTURES, INC.,)	
JOHN S. DENNEHY and THOMAS BARNES,)	
)	
Defendants.)	
_____)	

JOINT MOTION FOR PERMANENT INJUNCTION ON CONSENT

Plaintiff Century 21 Real Estate Corporation (“Century 21”) and defendant John S. Dennehy (together, “Moving Parties”) hereby jointly move for entry of a permanent injunction on consent in the form attached as Exhibit A. As grounds for this Motion, the Moving Parties state as follows:

1. On or about April 19, 2004, Century 21 initiated this litigation alleging, among other things, that John S. Dennehy has, without authorization or license, utilized Century 21’s trademarks, service marks and logos (“CENTURY 21 Marks”) in violation of the Lanham Act, 15 U.S.C. § 1051 et seq.

2. Mr. Dennehy does not contest the validity of the Century 21 Marks or Century 21’s ownership of the Century 21 Marks.

3. The Moving Parties agree that Mr. Dennehy sold his interest in defendant Dennehy Barnes Ventures, Inc. in approximately August, 2001 and since that time has not had any business dealings in the real estate brokerage market.

4. The Moving Parties have agreed to jointly move for entry of a permanent injunction in the form attached as Exhibit A as a means of ending the litigation between them.

WHEREFORE, the Moving Parties jointly move for entry of a permanent injunction on consent in the form attached as Exhibit A against Mr. Dennehy.

Respectfully submitted,

<p>CENTURY 21 REAL ESTATE CORPORATION</p> <p>By its attorney,</p> <p><u>/s/ G. Rubenstein</u></p> <p>Arthur L. Pressman (BBO #643094) Gregg A. Rubenstein (BBO #639680) NIXON PEABODY LLP 100 Summer Street Boston, Massachusetts 02110 (617) 345-1000</p>	<p>JOHN S. DENNEHY</p> <p>By his attorney,</p> <p><u>/s/ J. Friedmann</u></p> <p>Jonathan D. Friedmann Rudolph Friedmann, LLP 92 State Street Boston, MA 02109 (617) 723-7700</p>
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